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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,991	07/30/2001	Roger L. Palmer	4898*2	9771

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EXAMINER

HWANG, JOON H

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 09/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/917,991

Applicant(s)

PALMER, ROGER L.

Examiner

Joon H. Hwang

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3-7,9-13 and 15-18.Claim(s) ~~withdrawn~~ from consideration: 2,8 and 14.~~Canceled~~

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments filed in the amendment received on 8/18/04 have been fully considered but they are not persuasive. The applicant argues that ACCI does not teach searching a database of schools to enable the athletes to match their skills with schools seeking their skills, since ACCI provides students with hyperlinks to general school search engines. However, the examiner respectfully traverses. ACCI does enable athletes to search a database of schools matching their searching criteria even though ACCI uses outside search engines (applicant's exhibit 1). ACCI also teaches enabling athletes to search schools matching their search criteria by finding a coach of colleges/universities (applicant's exhibit 2). Finding coaches of colleges/universities also teaches finding colleges/universities.

"Prima facie case of obviousness is established when teachings of prior art appear to suggest claimed subject matter to person of ordinary skill in art; it is incumbent upon applicant to go forward with objective evidence of unobviousness once prima facie case is established." In re Rinehart (CCPA) 189 USPQ 143 Decided Mar. 11, 1976 No. 75-608 U.S. Court of Customs and Patent Appeals. The applicant failed to provide such evidence.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Wolfston discloses providing a Web site that includes a searchable database of numerous schools (lines 27-57 in col. 6, lines 3-67 in col. 7, and fig. 4) that provides information about, and admission application processing for, colleges and universities to users who provide search criteria searching for schools. Wolfston does not explicitly disclose athletes for searching colleges to be recruited. However, ACCI discloses a web site for recruiting athletes that allows student athletes as users to search a college/college program and a coach that matches their academic and athletic goals (pages 3, 4, 7, and 8) to be recruited. Therefore, based on Wolfston in view of ACCI, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize teachings of ACCI to Wolfston for allowing student athletes to search colleges for recruitment. Therefore, the applicant's argument is not persuasive.



JEAN M. CORRIELUS
PRIMARY EXAMINER